



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
2301 MCGREGOR BOULEVARD, SUITE 300
FORT MYERS, FLORIDA 33901

Regulatory Division
West Permits Branch
Fort Myers Regulatory Office

OCT 30 2001

PUBLIC NOTICE

Permit Application No. 199904283(IP-MH)

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act:

APPLICANT: S.W. Florida Land One, LLC
8660 College Parkway, Suite 160
Fort Myers, Florida 33919

WATERWAY & LOCATION: The project site involves freshwater-forested and freshwater-herbaceous wetlands within the Deep Lagoon watershed. The project is located south of Gladiolus Drive in Section 33, Township 45 South, Range 24 East, Lee County, Florida.

LATITUDE & LONGITUDE: Latitude 26°31'06" N, Longitude 81°55'00" W

WORK & PURPOSE: The applicant is proposing to construct a commercial and residential development to be known as the "Summerlin Preserve". The 76.04-acre project site is currently used as a pasture and consists of 8.18 acres of wetlands and 67.86 acres of uplands. The applicant proposes to impact 2.89 acres of wetlands by discharging 25,000 cubic yards of fill into 2.89 acres of wetlands.

As compensatory mitigation for the 2.89 acres of impacts, the applicant proposes to create a 9.34-acre on-site mitigation area. The 9.34-acre mitigation area would consist of enhancing and preserving 5.29 acres of wetlands and 4.05 acres of uplands. The 9.34-acre on-site mitigation area would be placed under a conservation easement granted to the South Florida Water Management District (SFWMD). The applicant also proposes off-site mitigation by purchasing 0.50 credits from Little Pine Island Mitigation Bank. A wetland functional analysis has not been provided and the details and adequacy of the compensation plan have not been finalized.

THREATENED AND ENDANGERED SPECIES: A threatened and endangered species survey was conducted and no federally listed threatened and endangered species were found. However, the project site provides marginal habitat for the federally endangered wood stork (*Mycteria americana*) consisting of 2.41 acres of disturbed freshwater marsh invaded by Brazilian pepper (*Schinus terebinthifolius*) and cattail (*Typha* sp.). Based upon the degraded condition of the on-site wetlands and the proposed wetland enhancement and preservation plan, the Corps of Engineers has determined that the project may affect, but is not likely to adversely affect, the wood stork. The Corps of Engineers is unaware of any other threatened or endangered species concerns in the project area. This determination is being coordinated with the U.S. Fish and Wildlife Service via this public notice.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The Corps of Engineers has verified the wetland jurisdictional boundary.

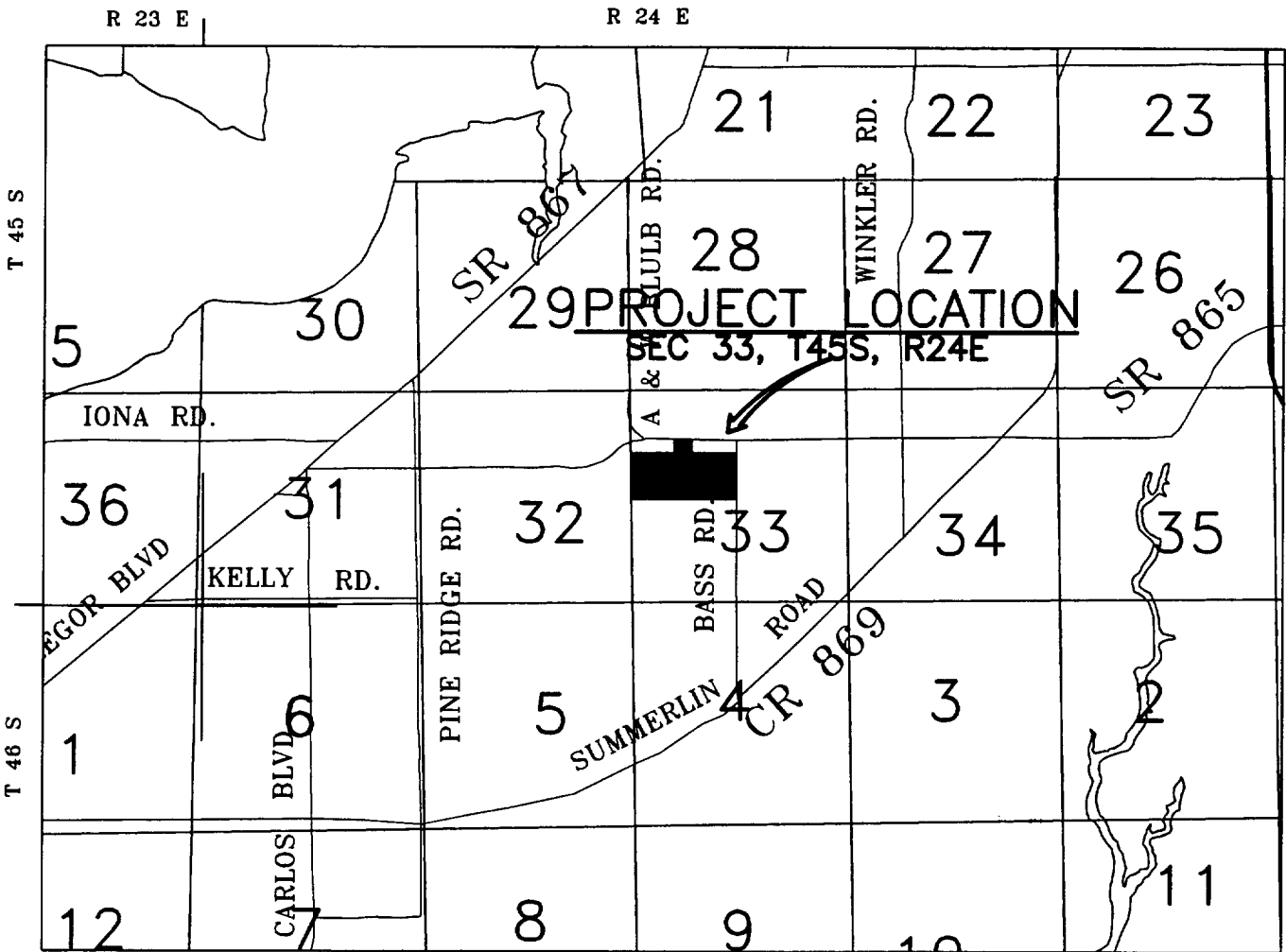
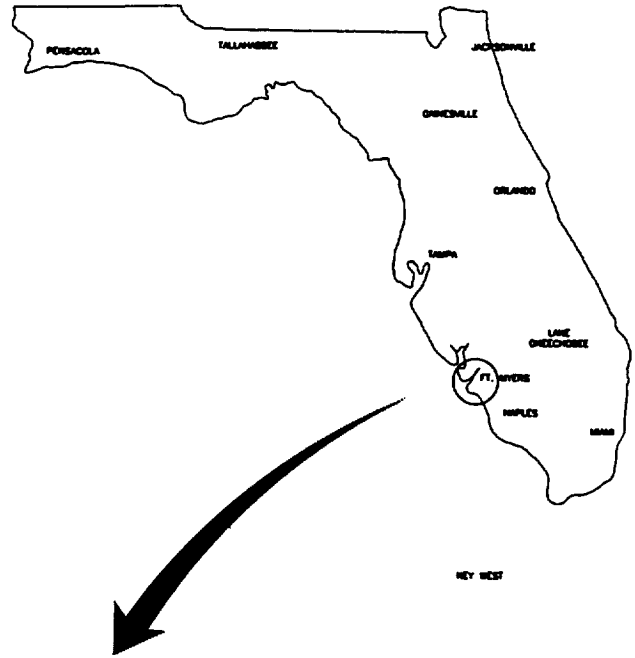
AUTHORIZATION FROM OTHER AGENCIES: The South Florida Water Management District (SFWMD) is processing an application for this project. The SFWMD application number is 010816-17.

Comments regarding the application should be submitted in writing to the District Engineer at the U.S. Army Corps of Engineers; Fort Myers Regulatory Office; 2301 McGregor Boulevard; Suite 300; Fort Myers, Florida 33901 within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Ms. Mindy Hogan at the Fort Myers Regulatory Office, telephone 941-334-1975 or by e-mail Melinda.G.Hogan@saj02.usace.army.mil.



N.T.S.



Project Name: Summerlin Preserve

Applicant: S.W. Florida Land One, LLC

Project Location

Dwg. No. 98BA

Drawn By: P.A.

Revisions:

Summerlin Preserve
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SCALE: 1"=300'

LEGEND



COE JURISDICTIONAL WETLANDS
(8.18AC.±)

NOTES:

FLUCFCS LINES ESTIMATED FROM
1"=200' AERIAL PHOTOGRAPHS AND
LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE,
COVER AND FORMS CLASSIFICATION
SYSTEM (FLUCFCS) (FDOT 1985).

PROPERTY BOUNDARY AND WETLAND
LINES PER BARRACO AND ASSOCIATES
INC. DRAWING No. 990307BSV1.dwg
DATED 7-1-99.

WETLAND LINES AND PROPERTY BOUNDARY
SURVEY LOCATED BY JEFFREY A. COOPER
AND ASSOCIATES, INC.

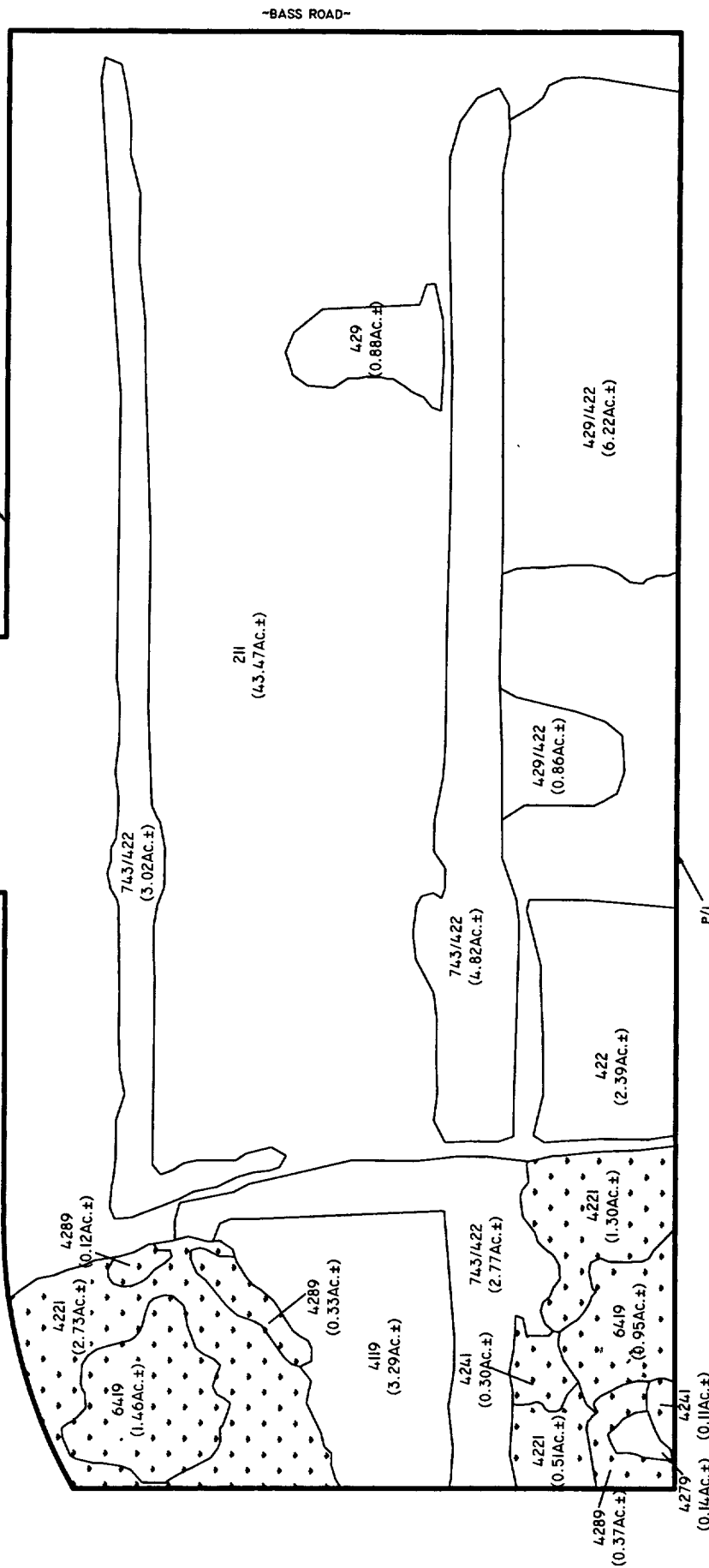
FLUCFCS
CODES

DESCRIPTIONS

ACREAGE

211	IMPROVED PASTURE	43.47 AC.±
4119	PINE FLATWOODS, DISTURBED	3.29 AC.±
422	BRAZILIAN PEPPER	2.39 AC.±
4221	BRAZILIAN PEPPER, HYDRIC	4.54 AC.±
4241	MELALEUCA, HYDRIC	0.41 AC.±
4279	LIVE OAK, DISTURBED	0.14 AC.±
4289	CABBAGE PALM, HYDRIC, DISTURBED	0.82 AC.±
429	WAX MYRTLE	0.88 AC.±
429/422	WAX MYRTLE/BRAZILIAN PEPPER	7.06 AC.±
6419	FRESHWATER MARSH, DISTURBED	2.41 AC.±
743/422	SPOIL/BRAZILIAN PEPPER	10.61 AC.±
TOTAL		76.04 AC.±

P/L



PROJECT NAME: SUMMERLIN PRESERVE

FLUCFCS AND COE WETLAND MAP

DWG. No. 98BA1341-2

Summerlin Preserve

199904283 (IP-MH)

DRAWN BY: P.A.F.



September 26, 2001

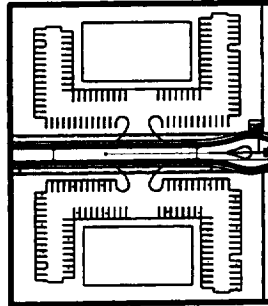
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SCALE: 1"=300'

LEGEND:

-  COE WETLAND PRESERVE
(5.29Ac.±)
-  UPLAND PRESERVE
(4.05Ac.±)



P/L

~LAKE~

P/L

NOTES:

SITE PLAN PER BARRACO AND ASSOCIATES,
INC. DRAWING No. 21321A00.dwg. DATED
JULY 23, 2001.

PROJECT NAME: SUMMERLIN PRESERVE

SITE PLAN

DWG. No. 98BA1341-3

Summerlin Preserve
199904283 (IP-MH)
September 26, 2001
Page 3 of 6

APPLICANT: S.W. FLORIDA LAND ONE, LLC

DRAWN BY: P.A.F.

REVISIONS:



SCALE: 1"=300'

LEGEND:

- COE WETLAND FILL (2.89AC.±)
- COE WETLAND PRESERVE (5.29AC.±)
- UPLAND PRESERVE (4.03AC.±)

NOTES:

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1985).

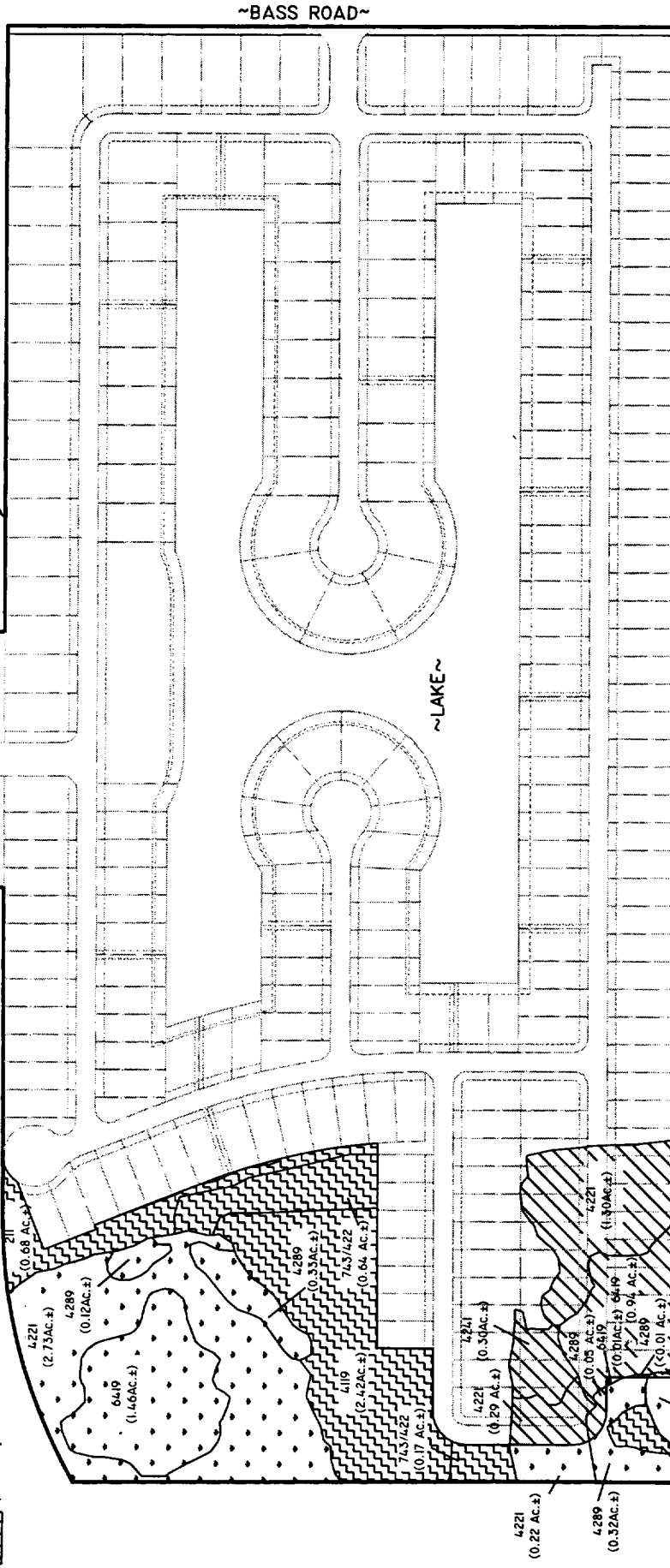
PROPERTY BOUNDARY AND WETLAND LINES PER BARRAGO AND ASSOCIATES, INC. DRAWING NO. 9903076SV1.dwg DATED 7-1-99.

WETLAND LINES AND PROPERTY BOUNDARY SURVEY LOCATED BY JEFFREY A. COONER AND ASSOCIATES, INC.

SITE PLAN PER BARRAGO AND ASSOCIATES, INC. DRAWING NO. 21321A00.dwg DATED JULY 23, 2001.

FLUCFCS CODES	SF WMD WETLAND FILL	SF WMD WETLAND PRESERVE	TOTAL
4221	1.59 AC.±	2.95 AC.±	4.54 AC.±
4241	0.31 AC.±	0.10 AC.±	0.41 AC.±
4289	0.05 AC.±	0.77 AC.±	0.82 AC.±
6419	0.94 AC.±	1.47 AC.±	2.41 AC.±
	2.89 AC.±	5.29 AC.±	8.18 AC.±

P/L



P/L

PROJECT NAME: SUMMERLIN PRESERVE

WETLAND IMPACT MAP

DWG No. 088A17A.L.I.

SHEET: 4 OF 6

APPLICANT: S.W. FLORIDA LAND ONE, LLC

DRA Summerlin Preserve

DATE: 9/25/01

REV 199904283 (IP-MH)

SCALE: 1"= 300'

September 26, 2001

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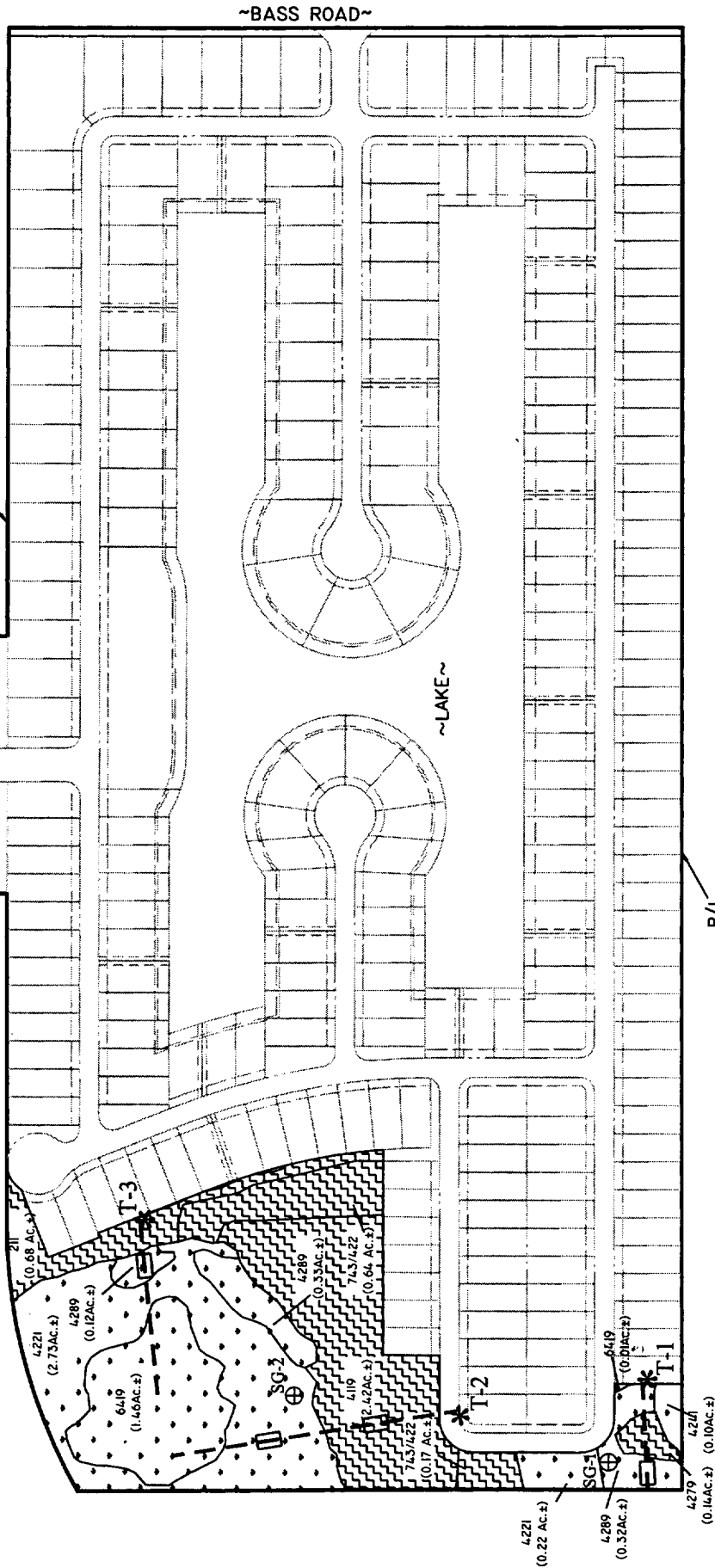
SCALE: 1"=300'

NOTES:

FLUCFCS LINES ESTIMATED FROM
1"=200' AERIAL PHOTOGRAPHS AND
LOCATIONS APPROXIMATED
FLUCFCS PER FLORIDA LAND USE
COVER AND FORMS CLASSIFICATION
SYSTEM (FLUCFCS) (FDOT 1985).
PROPERTY BOUNDARY AND WETLAND
LINES PER BARRACO AND ASSOCIATES
INC. DRAWING NO. 990507BSV1.dwg
DATED 7-1-99.
WETLAND LINES AND PROPERTY BOUNDARY
SURVEY LOCATED BY JEFFREY A. COONER
AND ASSOCIATES, INC.
SITE PLAN PER BARRACO AND ASSOCIATES,
INC. DRAWING NO. 21321A00.dwg. DATED
JULY 23, 2001.

LEGEND:

- WETLAND ENHANCEMENT—HAND
REMOVAL OF EXOTICS (5.29ac.±)
- UPLAND ENHANCEMENT—HAND
REMOVAL OF EXOTICS (4.05ac.±)
- MONITORING TRANSECT
- TREE/SHRUB PLOT
- TRANSECT NUMBER
- PHOTO-STATION
- SG-1 STAFF GAUGE/MONITORING WELL No.
- STAFF GAUGE/MONITORING WELL



PROJECT NAME: SUMMERLIN PRESERVE

WETLAND MITIGATION AND MONITORING PLAN

DWG. NO. 00RA17A.1-5

SHEET: 5 OF 6

APPLICANT: S.W. FLORIDA LAND ONE, LLC

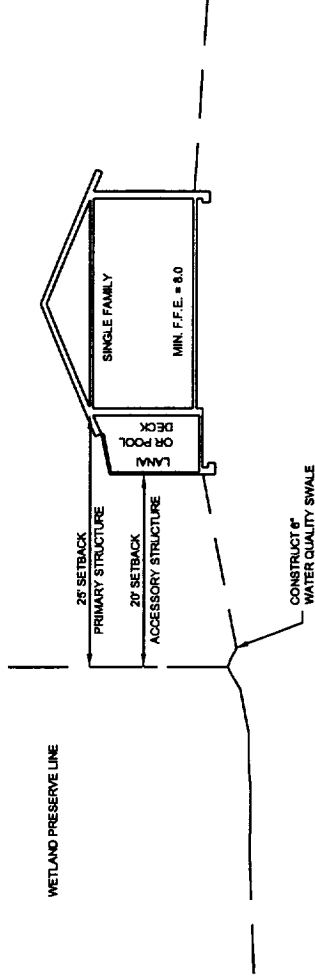
DATE: 9/25/01

SCALE: 1"= 300'

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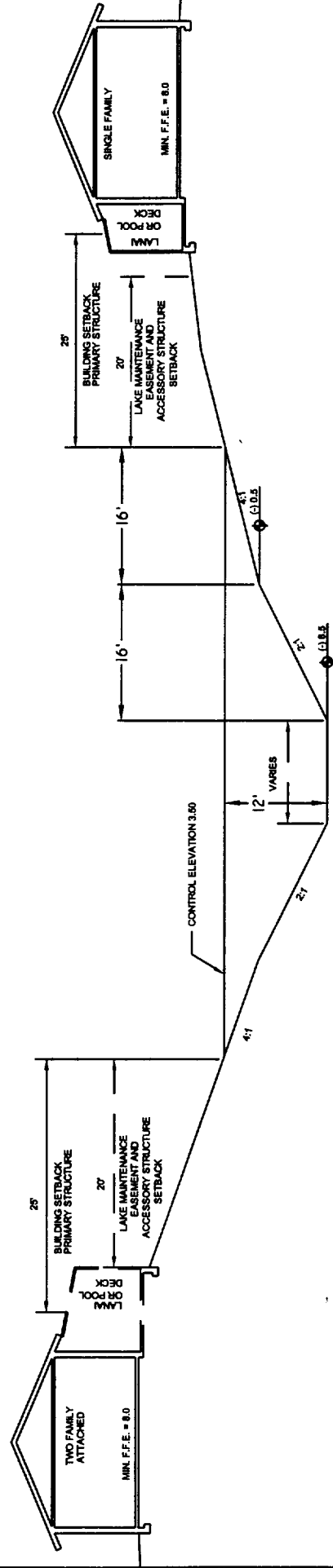


SCALE: N.T.S.



TYPICAL WETLAND SECTION

N.T.S.



TYPICAL LAKE SECTION

N.T.S.

PROJECT NAME: SUMMERLIN PRESERVE	TYPICAL CROSS SECTIONS
APPLICANT: S.W. FLORIDA LAND ONE, LLC	<div data-bbox="1419 936 1468 1243">Summerlin Preserve</div> <div data-bbox="1468 936 1516 1243">199904283 (IP-MH)</div> <div data-bbox="1516 936 1565 1243">September 26, 2001</div>
	SHEET: 6 OF 6
	DATE: 9/25/01
	SCALE: N.T.S.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

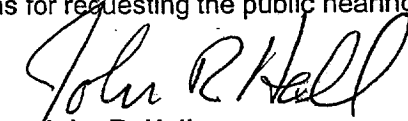
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


John R. Hall
Chief, Regulatory Division